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# IRATA COMPLAINT AND APPEAL PROCEDURE



## IRATA Complaint and Appeal Procedure

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<b>AUTHOR</b>	Dr Sheila Kondaveeti_ IRATA CEO Louise Ellis _Complaints Assistant
<b>REVIEWED BY</b>	IRATA Complaints Department IRATA Quality Department IRATA Legal Department Executive Committee Working Group
<b>AUTHORISED BY</b>	Dr Sheila Kondaveeti_ IRATA CEO

# IRATA COMPLAINT AND APPEAL PROCEDURE



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# IRATA COMPLAINT AND APPEAL PROCEDURE



## 1 INTRODUCTION

IRATA is committed to providing quality services by working in an open and accountable manner that builds the trust and respect of all our stakeholders. IRATA seeks to improve the service it provides by listening and responding to the views of our members and certified persons and in particular by responding positively to Complaints.

This procedure provides a structured approach to the handling of Complaints and Appeals and gives assurance that Complaints and Appeals are investigated and resolved through a formal documented process.

IRATA understand the importance of impartiality and ensures that all Complaints and Appeals are dealt with in a constructive, fair, impartial, and timely manner. The submission, investigation and decision on a Complaint or Appeal will not result in any discriminatory actions against the Complainant or Appellant.

All Complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998.

Further information regarding Complaints and Appeals can be found on the IRATA website ([www.irata.org/page/make-a-complaint](http://www.irata.org/page/make-a-complaint)).

### 1.1 Scope and Purpose

This procedure is intended to ensure that all Complaints and Appeals are handled fairly, consistently and effectively resolved.

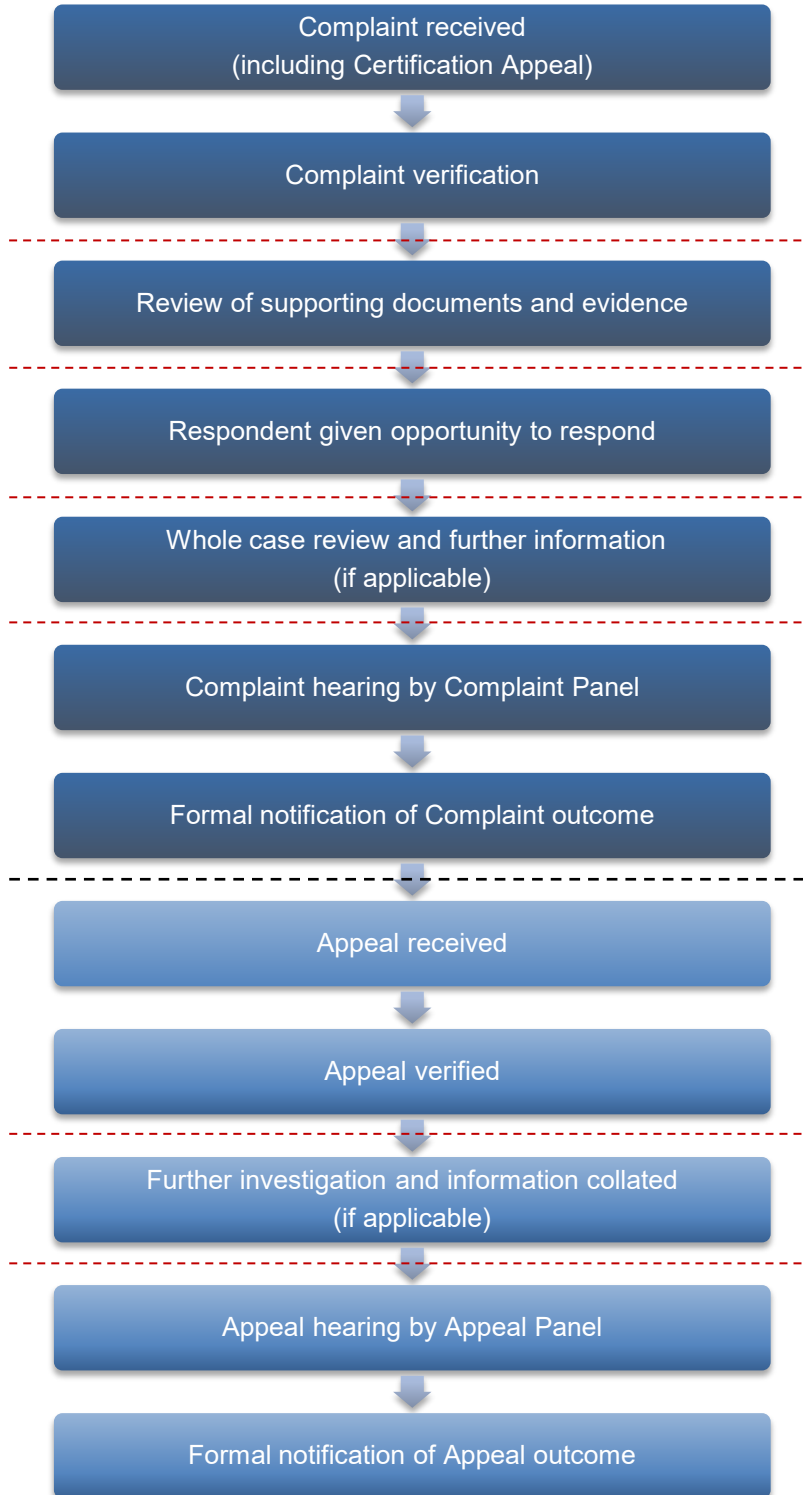
### 1.2 Terms, Definitions and Abbreviations

Appeal	a request by a Complainant or Respondent for reconsideration of any decision made by IRATA related to a Complaint
Appeal Panel	persons appointed to adjudicate on an Appeal case
Appellant	person who makes the Appeal
Certification Appeal	a request by an applicant, candidate or certified person for reconsideration of any decision made by IRATA related to her/his desired certification status
Complainant	person who makes the Complaint
Complaint	any written, electronic or verbal communication that alleges deficiencies or dissatisfaction related to IRATA Members, Auditors, Assessors, certified person or IRATA affiliate where a response or resolution is required
Complaint Panel	persons appointed to adjudicate on a Complaint case
RASS	Rope Access Safety Supervisor
Respondent	person or organisation that is the subject of the Complaint
RTP	RASS Training Provider

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## 2 COMPLAINT AND APPEAL – WORKFLOW



----- Indicates a potential process termination point

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## 3 COMPLAINTS

### 3.1 IRATA Complaint Acceptance Criteria

Before raising a Complaint, it is important to check that the Complaint meets IRATA acceptance criteria.

IRATA will process Complaints that are associated with IRATA, or an IRATA:

- employee or contractor;
- member company/RTP (or its representatives);
- auditor;
- assessor;
- instructor;
- RASS;
- RASS instructor;
- trainee instructor;
- technician; and
- affiliate or representative (e.g. committee member).

Cases relating to fraudulent IRATA documents pertaining to a non-IRATA individual or company shall be processed as a complaint.

IRATA reserves the right to retain on record any information relating to complaints or allegations made against any Respondent that has ceased to represent, or is no longer associated with, IRATA. In the event the Respondent (individual or company), reapplies, is reappointed or recertified in any of the above capacities within four years of the complaint submission, the complaint may be reopened to recommence with the Complaint and Appeal procedure.

IRATA will **not** process Complaints in relation to:

- cases where there is a lack of evidence;
- fee disputes between two or more parties, excluding IRATA; or
- contractual disputes between two or more parties, excluding IRATA.

In the event that the Complaint does not meet IRATA Complaint acceptance criteria, the Complaint will be rejected, and the Complainant will be notified of the reason(s) in writing.

### 3.2 Raising a Complaint

Should the Complaint meet IRATA Complaint acceptance criteria, a Complaint can be raised via the electronic '[Complaints Form](#)' on the IRATA website, by e-mail to [complaints@irata.org](mailto:complaints@irata.org), verbally or by post. The Complaint should be accompanied by supporting information or evidence that supports the allegation being made. Such information is required to be in the English language and any evidence submitted in other languages must be provided with an English translation.

Candidates wanting to raise a Complaint regarding the certification decision of their IRATA technician qualification, are required to raise the Complaint themselves i.e. the TMC may not do it on their behalf. In the event of a language barrier, the candidate's Regional Advisory Committee (RAC) Chair and/or Vice-Chair may assist if required.

Membership applicants or current members who have undergone an audit and want to raise a Complaint regarding audit report findings or the certification decision, may do so within 60 calendar days of receiving the audit report.

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The IRATA Complaints Department aims to process the Complaint as soon as possible, however, delays may occur if the information provided is not legible, incomplete, incorrect or for other reasons beyond the control of IRATA.

### 3.3 Receipt of Complaint and Acknowledgement

Once the Complaint, relevant information and evidence has been received by the IRATA Complaints Department, the Complainant will be sent a notification informing them that their Complaint has been acknowledged and allocated a Complaint case reference number.

### 3.4 Complaint Verification

The IRATA Complaints Department will review the Complaint, supporting information and evidence that has been provided to determine whether the information is adequate to progress the Complaint. If it is determined that the case lacks evidence to progress to the next stage, a request will be sent to the Complainant for additional information.

### 3.5 Right to Response

Once the Complaint has been verified, the Respondent will be sent a notification letter informing them:

- that IRATA has received a Complaint against them;
- regarding the grounds for the Complaint (e.g. breach of the 'IRATA Bye-Laws' [QP-103ENG]);
- that they have the right to respond within 14 calendar days of the date on the 'Right to Response' letter; and
- of the proceeding actions of the process.

### 3.6 Complaint Investigation & Further Information

Following the Respondent's reply to the complaint, the IRATA Complaints Department will review the Respondent's response and give consideration to the collated Complaints information thus far to determine the next course of action:

- if there is insufficient evidence the Complaint will not be pursued;
- if further investigation/information is required, the necessary actions to obtain the required information will be pursued by IRATA; or
- if there is sufficient evidence the Complaint will be escalated to the Complaint Panel for adjudication.

The IRATA Complaints Department will send the Complainant and Respondent a notification letter informing them of the next stage in writing.

### 3.7 Complaint Hearing

The Complaint Panel is required to make the following considerations and decisions:

- a) Consider the evidence provided to determine whether the facts of the Complaint are proved.
- b) Decide whether the facts amount to misconduct.
- c) Should the facts amount to misconduct, then consider the sanction, if any, to impose. The Complaint Panel can also order that an IRATA affiliate pay costs.

The Complaint Panel may decide upon a range of sanctions that can apply, in accordance with the 'IRATA Standard Penalties' [MP-100ENG].

### 3.8 Formal Notification of the Complaint Outcome

Once the Complaint Panel has reached an agreed outcome both the Complainant and Respondent will be notified of the outcome in writing.

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## 4 APPEALS

If a Complainant or Respondent disagree with the panel judgement, either party has 21 calendar days from the receipt of the complaint outcome notification to submit an Appeal request in writing to the IRATA Complaints Department ([complaints@irata.org](mailto:complaints@irata.org)). The Appeal must clearly state the specific grounds being disputed and the reason(s) why the Appellant believes an Appeal is justified.

Appeal of certification outcomes (e.g. IRATA Technician assessments, IRATA member audits) are dealt with through the Complaint and Appeal process. Candidates wanting to Appeal a panel judgement regarding their certification, must do so themselves i.e. the TMC may not do it on their behalf. In the event of a language barrier, the candidate's Regional Advisory Committee (RAC) Chair and/or Vice-Chair may assist if required.

### 4.1 Appeal, Verification and Acknowledgement

The below points are the only grounds upon which an Appeal will be considered, and any further information supplied is required to directly address at least one of these:

- the Complaint Panel had false or erroneous information that could have influenced its decision and factual and/or fully complete information may have resulted in a different outcome;
- significant new information is obtained that was not known at the time of the hearing, and a different decision may have resulted if the information had been available and presented prior to the outcome decision;
- the Complaint Panel made a procedural error and a different decision would have resulted if the correct procedure had been followed;
- the Complaint Panel applied a Bye-Law or rule incorrectly; and/or
- if there are specific mitigating circumstances which justify a different decision.

Upon receipt of an Appeal, IRATA will review and verify the Appeal and any additional information in accordance with the above criteria.

If the Appeal is upheld, both parties will be informed in writing within 28 calendar days, however, a longer period to conclude an Appeal may be required depending on the individual case circumstances. If the Appeal is not upheld, only the Appellant will be informed.

If further verification of the Appeal request or the supplied information is required, then IRATA will take the necessary actions to obtain such information.

### 4.2 Formal Notification of Appeal Outcome

Once the Appeal Panel has reached an agreed outcome and provided a documented judgement, IRATA will inform the Complainant and Respondent of the outcome in writing, within 28 calendar days of the acknowledgement letter, however, circumstances may require a longer period to conclude an Appeal.

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## 5 TECHNICIANS UNDER ENQUIRY

In instances where the Respondent's IRATA certification is the subject of investigation, the Complaints Department may list the Respondent (their full name, photographic image and IRATA number) on the 'Technicians Under Enquiry' page on the IRATA website, in order to mitigate against potential adverse risk to the safety of the Respondent or others that may be affected by their actions. The list can be accessed by IRATA member company representatives, and Head Office personnel upon logging in to the IRATA website.

A Respondent may be placed on the 'Technicians Under Enquiry' list if (but not limited to):

- it is deemed that there is a significant risk to the safety of the Respondent, or others that may be adversely affected by their actions;
- the Respondent has failed to respond to IRATA's communication(s);
- the Respondent has not replied to IRATA's reasonable requests for information and their IRATA certification is the subject of investigation;
- information exists to reasonably suspect that the Respondent is presenting fraudulent documents or making exaggerated claims regarding their level of competence and/or experience; or
- the technician was sanctioned with a suspension/withdrawal of their IRATA certification and did not return their IRATA documents to IRATA Head Office.

Where appropriate, the Respondent's certification shall be placed on hold while the complaint is investigated.

The Respondent will remain on the 'Technicians Under Enquiry' list until:

- communication is resumed;
- the Complaint is resolved; and/or
- it is deemed that a significant risk to the safety of the Respondent, or others that may be affected by their actions, is no longer presented.

Where a Respondent to a Complaint is not an IRATA technician, they will remain on the 'Technicians Under Enquiry' list until such time that they resume communication with IRATA and the Complaint against them is resolved.

IRATA technicians added to the 'Technicians Under Enquiry' list as a result of being sanctioned with a lifetime ban from IRATA training and assessment activities, will remain on the list indefinitely.

## 6 MISUSE OF THE IRATA LOGO

Misuse of the IRATA logo by an IRATA member company, IRATA representative or an IRATA technician will be handled by the IRATA Complaints Department and if deemed appropriate escalated to the IRATA Legal Department for further processing.

Where a Complaint relates to the misuse of the IRATA logo by a non-IRATA member company, non-IRATA representative and/or person who is not IRATA certified, such cases will be referred to the IRATA Legal Department for resolution.